

**REMARKS**

Claims 40-82 are pending in the present application.

The Examiner has required election in the present application between:

Species A a radiator with a paraboloidal structure;

Species B a radiator with an ellipsoidal structure;

Species C a radiator with a hyperboloidal structure;

Species D a radiator with a spherical structure;

Species E a radiator with a ring-shaped concave structure;

Species F a radiator with circular structure; and

Species G a radiator with elliptical structure.

**Applicant hereby elects Species D consisting of a radiator with a spherical shape.** It is respectfully submitted that claims 40-48, 54-56 and 65-76 are readable on the elected species and are elected for initial examination in this application.

This election is with traverse.

Applicants thank the Examiner for the thorough consideration given the present application. Claims 40-82 are currently being prosecuted. The Examiner is respectfully requested to reconsider his Election of Species Requirement in view of the amendments and remarks as set forth hereinbelow.

PATENT COOPERATION TREATY

At the outset, it is respectfully submitted that the present application entered into the national phase before the USPTO based on a PCT application. Thus, the rules that apply to the present application with regard to unity of invention are set forth in 37 CFR §§ 1.475 to 1.477.

As set forth in 37 CFR § 1.475(a), an international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.

It is respectfully submitted that the present application does include claims that are so linked so as to form a single general inventive concept. The Examiner contends that there is a lack of unity of invention stating that the species are distinct by either providing a paraboloidal, ellipsoidal, hyperboloidal, spherical, ring-shaped concave, circular or elliptical shape. It is respectfully submitted that this contention is not believed to be tenable. The subject matter of all of the claims should be considered in a single application.

In order to be response to the Examiner's Election of Species Requirement, the claims have been amended to be directed to a partially spherical shape. Applicant has initially elected claims 40-48, 54-56 and 65-76. The Examiner is respectfully requested to reconsider his election of species requirement.

Under the provisions of 37 CFR 1.146, a reasonable number of species are permitted in a single application. The present application contains seven species. It is respectfully submitted that if the Examiner considers a generic claim as being allowable then all of the claims should

be allowable in view of the fact that a reasonable number of species are set forth in the present application.

If the Examiner does persist in his Election of Species Requirement, Applicant reserves the right to file a divisional application directed to the non-elected claims at a later date if he so desires.

#### INFORMATION DISCLOSURE STATEMENT

The Examiner has considered the Information Disclosure Statements filed on February 21, 2006. No additional action is necessary.

#### DRAWINGS

The Examiner has not approved the Formal Drawings submitted by the Applicants. The Examiner should approve the Formal Drawings in the next Office Action.

#### REQUEST FOR INTERVIEW

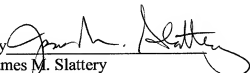
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Carl T. Thomsen, Registration No 50,786 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 8, 2009

Respectfully submitted,

By   
James M. Slattery  
Registration No.: 28,380  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant